

### **REMARKS/ARGUMENTS**

The non-final Office Action of December 11, 2007, has been carefully reviewed and these remarks are responsive thereto. Claims 31 and 46 have been amended. No new matter has been added. Claims 1-5, 8, 9, 12-17, 19, 20, 22-31, 34, 36-38, 40-50, 52 and 53 are pending. Reconsideration and allowance of the instant application are respectfully requested in view of the following arguments.

#### **Statement of Common Ownership**

The present application and Pekonen (U.S. Patent No. 7,130,313, "Pekonen") were, at the time the invention was made, owned by, or subject to an obligation of assignment to Nokia Corporation or a wholly owned subsidiary thereof. Accordingly, any reliance on Pekonen as part of a rejection under 35 U.S.C. §103(a) is improper.

#### **Claim Rejections Under 35 U.S.C. §103**

Claims 1-5, 8, 9, 16, 17, 19, 31, 34, 36-38, 40 and 52 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Cloutier *et al.* (U.S. Patent No. 6,891,852, "Cloutier") in view of Lubin *et al.* (U.S. Patent No. 6,434,395, "Lubin"). Claims 43-45 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Cloutier in view of Lubin and Hanko *et al.* (U.S. Patent No. 6,438,141, "Hanko"). Claims 46 and 53 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Cloutier in view of Lubin and Chin *et al.* (U.S. Patent No. 6,778,556, "Chin"). Claims 12-13 and 41 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Cloutier in view of Lubin and Pekonen (U.S. Patent No. 7,130,313, "Pekonen"). Claims 47-50 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Cloutier in view of Lubin, Chin and Pekonen. These rejections are respectfully traversed for at least the following reasons.

Claims 1 and 19 both generally relate to, *inter alia*, receiving, at a mobile terminal, buffered data as a digital broadcast transmission burst in a time-slicing signal and powering-up a digital broadcast receiver in the mobile terminal in synchronicity with the transmission of said digital broadcast transmission burst. Cloutier does not teach or suggest such features. For example, nowhere does Cloutier teach or suggest receiving buffered data as a transmission burst

in a time-slicing signal. Significantly, Cloutier specifically teaches that second generation wireless systems including time division multiple access (TDMA) systems are generally not able to effectively and efficiently address requirements for high speed mobile data rates. Col. 3, ll. 59-66. Thus, while Cloutier describes various second generation wireless systems such as TDMA, it teaches away from time divisional multiplexing and time slicing signals. Thus, even assuming, without conceding, that one of the cited secondary references teaches or suggests time slicing signals, there would have been no motivation to combine time slicing signals with Cloutier since Cloutier clearly teaches away from use of such system by suggesting they would be insufficient for the bandwidth needed in Cloutier. Accordingly, claims 1 and 19 is allowable for at least these reasons.

Further, contrary to the Office Action's assertions, none of the cited references teach or suggest powering-up a digital broadcast receiver in the mobile terminal in synchronicity with the transmission of said digital broadcast transmission burst. The Office Action concedes that Cloutier does not teach or suggest such a feature. Instead, the Office Action alleges that Lubin describes powering-up a receiver in synchronicity with the transmission of a transmission burst. Applicants respectfully disagree. At most, Lubin describes activating a receive FIFO at least one symbol prior to reading the first burst of data out of the FIFO. Thus, Lubin merely describes activating a receive FIFO based on when a first burst is read out of the FIFO, not in synchronicity with the transmission of the transmission burst. Col. 13, ll. 44-49. Hanko and Chin fail to cure this deficiency of Cloutier and Lubin. Pekonen is an invalid basis for rejection as discussed above. Thus, notwithstanding whether the asserted combination is valid, the combination would not have resulted in the features as recited in claims 1 and 19. Claims 1 and 19 are thus allowable for these additional reasons.

Claims 2-5, 8, 9, 12-14, 16, 17 and 52 are dependent on claim 1 and are thus allowable for at least the same reasons as claim 1. Additionally, with respect to claims 12 and 13, the Office Action concedes, at p. 8, that Cloutier fails to disclose encapsulating buffered data using a multi-protocol encapsulator. Instead, the Office Action relies on Pekonen. However, as noted in the Statement of Common Ownership above, Pekonen is an improper basis for rejection. Thus, claims 12 and 13 are allowable for this additional reason. Further, no reason for rejection of claim 15 is provided and thus, Applicants respectfully request notification of allowance of at

least claim 15, or at a minimum be given an opportunity to address claim 15 in response to a non-final rejection in a future Action.

Claims 20 and 22-30 are dependent on claim 19 and are thus allowable for at least the same reasons as claim 19. Further, no reason for rejection of claims 20 and 22-30 is provided and thus, Applicants respectfully request notification of allowance of claim 20 and 22-30 as well.

Amended independent claim 31 recites, *inter alia*, “a transmitter configured to broadcast at least a portion of streaming information provided by an information service provider as a digital broadcast transmission burst in a time sliced signal.” As discussed above, Cloutier teaches away from the use of time sliced signaling. Thus, even if one of the other cited references teaches or suggests time sliced signals, one of ordinary skill in the art would not have been motivated to combine time sliced signaling with the teachings of Cloutier.

Further, nowhere do any of the cited references teach or suggest, either separately or in combination, a digital broadcast transmission burst configured for transmission to a mobile terminal in synchronicity with a powering-up of a digital broadcast receiver of the mobile terminal, as is also recited in claim 31. At best, Lubin merely describes activating a receive FIFO based on when a first burst is read out of the FIFO. Thus, claim 31 is allowable for at least these reasons.

Claims 34, 36-38, 40-45 are dependent on claim 31 and are thus allowable for at least the same reasons as claim 31. Additionally, with respect to claim 41, the Office Action concedes, at p. 8, that Cloutier fails to disclose encapsulating buffered data using a multi-protocol encapsulator. Instead, the Office Action relies on Pekonen. However, as noted in the Statement of Common Ownership above, Pekonen is an improper basis for rejection. Thus, claim 41 is allowable for this additional reason. Further, no reason for rejection of claim 42 is provided and thus, Applicants respectfully request notification of allowance of at least claim 42, or at a minimum be given an opportunity to address claim 42 in response to a non-final rejection in a future Action.

Amended independent claim 46 recites, similar to claim 31, transmitting, from a digital broadcast transmitter, said streaming information as a digital broadcast transmission burst as a time sliced signal to a remote mobile terminal, wherein the transmission is synchronized with a

powering-up of the remote mobile terminal. Accordingly, claim 46 is allowable for at least the same reasons as claim 31.

Claims 47-50 and 53 are dependent on claim 46 and are thus allowable for at least the same reasons as claim 46 and further in view of the novel and non-obvious features recited therein. For example, claims 47-50 stand rejected as being unpatentable over Cloutier in view of Lubin, Chin and Pekonen. The Office Action, at p. 8, concedes that Cloutier fails to disclose the buffered data being encapsulated, as recited in claims 47 and 48. Pursuant to Applicants' Statement of Common Ownership, Pekonen is an improper basis for rejection. None of the other cited secondary references cures this deficiency of Cloutier and indeed, the Office Action does not assert that Lubin, Chin or Hanco teaches or suggests such features. Accordingly, claims 47 and 48 are allowable for these additional reasons.

### **CONCLUSION**

All rejections having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same. However, if for any reason the Examiner believes the application is not in condition for allowance or there are any questions, the examiner is requested to contact the undersigned at (202) 824-3156.

Respectfully submitted,

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Dated this 21st day of February, 2008

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